

EXHIBIT 6

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER S.A., a French corporation,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, Inc.,
a Delaware corporation,

Defendant.

Civil Action No. 02-1512 (KAJ)
(consolidated)

TEVA PHARMACEUTICALS USA, Inc.,
a Delaware corporation, and TEVA
PHARMACEUTICAL INDUSTRIES LTD.,
an Israeli corporation,

Counterclaim Plaintiffs,

v.

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER, S.A., a French corporation,

Counterclaim Defendants.

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER S.A., a French corporation,

Plaintiffs,

v.

IMPAX LABORATORIES, INC,
a Delaware corporation,

Defendant.

Civil Action No.: 03-120-KAJ
(Consolidated)

IMPAX LABORATORIES, INC,
a Delaware corporation,

Counterclaim Plaintiffs,

v.

ABBOTT LABORATORIES, an Illinois
corporation, FOURNIER INDUSTRIE ET
SANTÉ, a French corporation, and
LABORATOIRES FOURNIER, S.A., a
French corporation,

Counterclaim Defendants.

IN RE TRICOR DIRECT PURCHASER
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

Civil Action No. 05-340 (KAJ)

(consolidated)

IN RE TRICOR INDIRECT PURCHASER
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

Civil Action No. 05-360 (KAJ)

(consolidated)

[PROPOSED] ORDER

Upon consideration of Defendants Abbott Laboratories ("Abbott"), Fournier Industrie et Santé, and Laboratoires Fournier, S.A.'s (collectively, "Fournier") Consolidated Motion to Dismiss Plaintiffs' Complaints, the oppositions thereto, and the consolidated reply, it IS HEREBY ORDERED this ____ day of _____, 2006, that the motion be and hereby is GRANTED in its entirety.¹

¹ This order resolves all of the following consolidated actions: *Abbott Laboratories v. Teva Pharmaceuticals USA, Inc.*, C.A. No. 02-1512 (KAJ); *Abbott Laboratories v. Impax Laboratories, Inc.*, C.A. No. 03-120-KAJ; *In re: Tricor Direct Purchaser Antitrust Litigation*, C.A. Nos. 05-340 KAJ, 05-351 KAJ, 05-358 KAJ, 05-404, 05-605; and *In re Tricor Indirect Purchases Antitrust Litigation*, C.A. Nos. 05-360 (KAJ), 05-591 (KAJ).

Plaintiffs' claims with respect to all of Defendants' conduct relating to the introductions of new forms of fenofibrate fail to state a claim upon which relief may be granted.

These claims are therefore DISMISSED as follows:

- Plaintiffs' claims with respect to Defendants' introduction of new fenofibrate products fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs' claims with respect to Defendants' discontinuance of fenofibrate products fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs' claims with respect to Defendants' communications with the NDDF service fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs' claims with respect Defendants' listing of patents in the Orange Book fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.

Plaintiffs' claims with respect to all of Defendants' conduct relating to the Tablet and Capsule Litigations fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED as follows:

- Plaintiffs' claims with respect to the Capsule Litigation are immunized from antitrust challenge by the *Noerr-Pennington* doctrine and otherwise fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs' claims with respect to the Tablet Litigation are immunized from antitrust challenge by the *Noerr-Pennington* doctrine and otherwise fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs fail to adequately plead antitrust injury with respect to the Defendants' litigation conduct and therefore lack antitrust standing to assert those claims. These claims are therefore DISMISSED.
- Plaintiffs' *Walker Process* claims fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.

Plaintiffs' claims with respect to an "overall scheme" fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.

Plaintiffs' various state law claims fail to state a claim upon which relief may be granted. These Claims are therefore DISMISSED as follows:

- Plaintiffs' state law tortious interference claims fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED
- Plaintiffs' state law antitrust claims fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs' state law consumer protection claims fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.

The Honorable Kent A. Jordan
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2005, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

Josy W. Ingersoll
John W. Shaw
Karen Keller
Young Conaway Stargatt & Taylor, LLP
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, Delaware 19899-0391

Jeffrey S. Goddess
Rosenthal, Monhait, Gross & Goddess, P.A.
919 Market Street, Suite 1401
P.O. Box 1070
Wilmington, DE 19899-1070
Tel. (302) 656-4433
Fax. (302) 658-7567

Jonathan L. Parshall
Murphy Spadaro & Landon
1011 Centre Road, Suite 210
Wilmington, DE 19801

Michael I. Silverman
Lynn A. Iannone
Silverman & McDonald
1010 North Bancroft Parkway
Suite 22
Wilmington, DE 19805

Mary B. Graham
Morris Nichols, Arsht & Tunnell
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899

Mary B. Matterer
Morris, James, Hitchens & Williams
222 Delaware Avenue, 10th Floor
Wilmington, DE 19801

Pamela S. Tikellis
Robert J. Kriner, Jr.
A. Zachary Naylor
Chimicles & Tikellis LLP
One Rodney Square
P.O. Box 1035
Wilmington, DE 19899

Elizabeth M. McGeever
Prickett Jones Elliott, P.A.
1310 King Street
Wilmington, DE 19801

Patrick Francis Morris
Morris & Morris
1105 North Market Street
Suite 803
Wilmington, DE 19801

I hereby certify that on December 23, 2005, I sent by electronic mail the foregoing document to the following non-registered participants:

REPRESENTING DIRECT PARTY PLAINTIFFS
(C.A. 05-340):

Jeffrey S. Goddess
jgoddess@rmgglaw.com
Bruce E. Gerstein
bgerstein@garwingerstein.com

Barry S. Taus
btaus@garwingerstein.com

Adam M. Steinfeld
asteinfeld@garwingerstein.com

Daniel Berger
danberger@bm.net

Eric L. Cramer
ecramer@bm.net

Peter Kohn
pkohn@bm.net

Linda P. Nussbaum
lnussbaum@cmht.com

Steig D. Olson
solson@cmht.com

REPRESENTING WALGREEN, ECKERD, KROGER,
MAXI, CVS, RITE AID
(C.A. 05-340):

Elizabeth M. McGeever
emmccgeever@prickett.com

Scott E. Perwin
sperwin@kennynachwalter.com

Joseph T. Lukens
jlukens@hangle.com

REPRESENTING PACIFICARE
(C.A. 05-340):

Jonathan L. Parshall
jonp@mllaw.com

William Christopher Carmody
bcarmody@susmangodfrey.com

John Turner:
jturner@susmangodfrey.com

Shawn Rabin:
srabin@susmangodfrey.com

Justin Nelson:
jnelson@susmangodfrey.com

Cindy Tijerina:
ctijerina@susmangodfrey.com

Ken Zylstra:
kzylstra@sbclasslaw.com

Lyle Stamps:
lstamps@sbclasslaw.com

Steve Connolly
Sconnolly@abclasslaw.com

Mark Sandman:
mms@rawlingsandassociates.com

Jeffrey Swann:
js5@rawlingsandassociates.com

REPRESENTING INDIRECT PARTY PLAINTIFFS
(C.A. 05-360):

Pamela S. Tikellis
Thomas M. Sobol
Patrick E. Cafferty
Jeffrey L. Kodroff
Bernard J. Persky
William C. Carmody
Mike Gottsch
Zach Naylor
Robert Davis
Brian Clobes
Michael Tarringer
Tim Fraser
David Nalven
Greg Matthews
Christopher McDonald
Kellie Safar
Ted Lieverman
Pat Howard

Tricor@chimicles.com

REPRESENTING IMPAX LABORATORIES
(C.A. 03-120):

Mary Matterer
mmatterer@morrisjames.com

John C. Vetter
jvetter@kenyon.com

Asim Bhansali
abhansali@kvn.com

REPRESENTING TEVA PHARMACEUTICALS
(C.A. 02-1512):

Josy W. Ingersoll
Bruce M. Gagala
Karen E. Keller
Christopher T. Holding
Ken Cohen
Elaine Blais

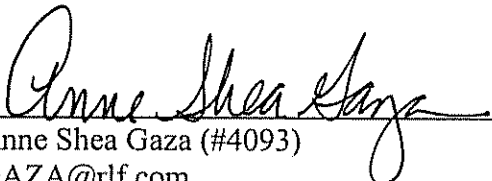
tricolor@yest.com

REPRESENTING ABBOTT (ALL CASES):

Mary B. Graham
Tricolor@mnat.com

William F. Cavanaugh
wfcavanaugh@pbwt.com

Chad J. Peterman
cjpeterman@pbwt.com


Anne Shea Gaza (#4093)
GAZA@rlf.com